

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LAWRENCE BERNACH,

Defendant.

CR 22–66–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on October 27, 2022. (Doc. 25.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C.

§ 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant David Lawrence Bernach’s guilty plea after Bernach appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to one count of

possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count II), as set forth in the Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 25) is ADOPTED in full.

IT IS FURTHER ORDERED that Bernach's motion to change plea (Doc. 18) is GRANTED and Bernach is adjudged guilty as charged in Count II of the Indictment.

DATED this 14th day of November, 2022.



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Dana L. Christensen, District Judge  
United States District Court